

## GREENVILLE CITY COUNCIL MINUTES

September 14, 2006  
Greenville, NC

The Greenville City Council met in a regular meeting on the above date at 7:00 p.m. in the City Council Chambers, third floor of City Hall, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Mayor Pro-Tem Mildred A. Council and the pledge of allegiance to the flag. The following were present:

Mayor Robert D. Parrott  
Mayor Pro-Tem Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Rose H. Glover  
Council Member Chip Little  
Council Member Larry Spell  
Wayne Bowers, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

### APPROVAL OF AGENDA

City Manager Bowers reported that Willie Adams could not be here for a special recognition upon his retirement. He asked that it be removed from the agenda. City Manager Bowers also suggested adding the three items that were added on Monday night to the end of the agenda-- memorandum of understanding with East Carolina University, purchase of former St. Gabriel's Catholic Church property, and consideration of ordinance prohibiting the shooting of bows in the city limits.

Council Member Little asked that a brief discussion on the bypass issue be added prior to the public comment period.

Motion was made by Council Member Craft and seconded by Council Member Spell to approve the agenda with the noted amendments. Motion carried unanimously.

### SPECIAL RECOGNITIONS

Mr. Bo Batts, Executive Director of the Pitt County Girls Softball League, assisted Mayor Parrott with presenting certificates to coaches and girls of three winning softball teams as follows:

- *10U League* for winning the Southeast Softball Regional Championship. This team was coached by Shane Adams and Dennis Roberson and was managed by Kenrick Ruffin.
- *14U League* for winning the Babe Ruth Southeast Softball Regional Championship. This team was coached by Keith Gould and Aubrey Wynne and was managed by Gray Matthis.

- *18U League* for winning the Babe Ruth Southeast Softball Regional Championship. This team was coached by Ray Odom and Pat Tripp and was managed by Tracy Shaw.

Mr. Batts reported on the accomplishments of the League, stating that since 1994, it has won 21 southeastern regional championships, a national championship, 5 world championships, and 50 State championships, in addition to placing third in the 16U World Series three times.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

### Citizens Advisory Commission On Cable Television

Council Member Spell asked that the replacements for Lee Armstrong and Tonya Armwood, who both resigned, be continued until October.

### Greenville Utilities Commission

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Council to appoint Julia Carlson, County nominee, to fill an unexpired term expiring June 30, 2008 replacing Charles Weeks, who resigned. Motion carried unanimously.

### Human Relations Council

Motion was made by Council Member Dunn and seconded by Council Member Craft to reappoint Abdel Abdel-Rahman for a first three-year term expiring September 2009 and to reappoint A. T. Best and Franchine Pena for a second three-year term expiring September 2009. Motion carried unanimously.

### Youth Council

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to reappoint the following students for a second one-year term expiring September 30, 2007: Waseem Ahmed, Porsche Hunter, Robyn Carter, Maria Johnson, Ashlee Daniels, Austin Lamm, Doriene Evans, Ariel Lopez, Jonathan Fields, Valencia Speight, Jack Hand, and Ben Stephenson; to reappoint Parteek Singla and Nancy York for a first one-year term expiring September 30, 2007; to appoint Yolanda Gardner for a first term expiring September 30, 2007; and to continue the replacement of Timothy Croom. Motion carried unanimously.

## NEW BUSINESS

ORDINANCE (REQUESTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AS RECOMMENDED BY THE TASK FORCE ON PRESERVATION OF NEIGHBORHOODS AND HOUSING) TO REZONE 228+ ACRES (EXCLUDING STREET RIGHTS OF-WAY) CONSISTING OF TRACT 1 - LAKE ELLSWORTH AREA, TRACT 2 - SINGLETREE FARM AND CAMBRIDGE SUBDIVISION AREAS, TRACT 3 - DELLWOOD AREA, TRACT 4 - BAYTREE AREA, TRACT 5 - TUCKAHOE AREA FROM RA20 (RESIDENTIAL-AGRICULTURAL) AND R6 (RESIDENTIAL HIGH DENSITY MULTI-

FAMILY]) (TRACT 1), AND R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) (TRACT 2) TO R6S (RESIDENTIAL - SINGLE FAMILY [MEDIUM DENSITY]); AND R9 (RESIDENTIAL [MEDIUM DENSITY]) (TRACT 3), RA 20 (RESIDENTIAL-AGRICULTURAL) AND R9 (RESIDENTIAL [MEDIUM DENSITY]) (TRACT 4), AND R9 (RESIDENTIAL [MEDIUM DENSITY]) (TRACT 5) TO R9S (RESIDENTIAL - SINGLE-FAMILY [MEDIUM DENSITY]) - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider a request by the Community Development Department as recommended by the Task Force on Preservation of Neighborhoods and Housing to rezone Tract 1 – Lake Ellsworth Area, Tract 2 – Singletree Farm and Cambridge Subdivision Areas, Tract 3 – Dellwood Area, Tract 4 – Baytree Area, Tract 5 – Tuckahoe Area from RA20 and R6 (Tract 1), and R6 (Tract 2) to R6S; and R9 (Tract 3), RA 20 and R9 (Tract 4), and R9 (Tract 5) to R9S. The Planning and Zoning Commission, at its August 15, 2006, meeting voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained the request. He stated that this is a series of rezonings that have taken place during the last 1.5 years as a result of the recommendations by the Task Force on the Preservation of Neighborhoods and Housing. It is anticipated that 20 neighborhoods will be rezoned through this process. The properties are located in Voting Districts 1, 2 and 4, and they are not impacted by the floodplain.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance to rezone 228+ acres (excluding street rights of-way) consisting of Tract 1 - Lake Ellsworth Area, Tract 2 - Singletree Farm and Cambridge Subdivision Areas, Tract 3 - Dellwood Area, Tract 4 - Baytree Area, Tract 5 - Tuckahoe Area from RA20 (Residential-Agricultural) and R6 (Residential [High Density Multi-Family]) (Tract 1), and R6 (Residential [High Density Multi-Family]) (Tract 2) to R6S (Residential - Single Family [Medium Density]); and R9 (Residential [Medium Density]) (Tract 3), RA 20 (Residential-Agricultural) and R9 (Residential [Medium Density]) (Tract 4), and R9 (Residential [Medium Density]) (Tract 5) to R9S (Residential - Single-Family [Medium Density]). Motion carried unanimously. (Ordinance No. 06-87)

ORDINANCE TO ANNEX DAVENCROFT, PHASE 1, CONTAINING 20.4254 ACRES LOCATED EAST OF THOMAS LANGSTON ROAD AND WEST OF STERLING TRACE SUBDIVISION - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider a request to annex Davencroft, Phase 1, containing 20.4254 acres located east of Thomas Langston Road and west of Sterling Trace Subdivision. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant farmland with two single family dwellings, and the proposed use is 44 single family dwellings. The current population is 5, and the anticipated population at full development is 103, with 26 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt the ordinance to annex Davencroft, Phase 1, containing 20.4254 acres located east of Thomas Langston Road and west of Sterling Trace Subdivision. Motion carried unanimously. (Ordinance No. 06-88)

ORDINANCE TO ANNEX BEDFORD, SECTION 9, PHASES 2 & 3, CONTAINING 10.926 ACRES LOCATED SOUTH OF CHESAPEAKE WOODS, SECTION 3, AND WEST OF SUMMERHAVEN, SECTION 2 - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider a request to annex Bedford, Section 9, Phases 2 & 3, containing 10.926 acres located south of Chesapeake Woods, Section 3, and west of Summerhaven, Section 2. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is 18 single family dwellings. The current population is 0, and the anticipated population at full development is 42, with 7 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance to annex Bedford, Section 9, Phases 2 & 3, containing 10.926 acres located south of Chesapeake Woods, Section 3, and west of Summerhaven, Section 2. Motion carried unanimously. (Ordinance No. 06-89)

ORDINANCE TO ANNEX NORTH GREEN COMMERCIAL PARK, LOT 5, CONTAINING 9.320 ACRES LOCATED WEST OF MEMORIAL DRIVE AND NORTH OF STATON HOUSE ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider a request by North Green Commercial Park to annex Lot 5, containing 9.320 acres located west of Memorial Drive and north of Staton House Road. This is a contiguous

annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is a 20,000 sq. ft. light industrial facility. The anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Craft to adopt the ordinance to annex North Green Commercial Park, Lot 5, containing 9.320 acres located west of Memorial Drive and north of Staton House Road. Motion carried unanimously. (Ordinance No. 06-90)

ORDINANCE TO ANNEX COBBLESTONE TOWNHOMES, SECTION 2, CONTAINING 7.326 ACRES LOCATED SOUTH OF COBBLESTONE DRIVE AND EAST OF ALLEN ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider a request by Cobblestone Townhomes to annex Section 2, containing 7.326 acres located south of Cobblestone Drive and east of Allen Road. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is 90 townhomes. The current population is 0, and the anticipated population at full development is 220, with 26 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Little to adopt the ordinance to annex Cobblestone Townhomes, Section 2, containing 7.326 acres located south of Cobblestone Drive and east of Allen Road. Motion carried unanimously. (Ordinance No. 06-91)

ORDINANCE TO ANNEX FIRE STATION NO. 4, CONTAINING 2.00 ACRES LOCATED SOUTH OF STATON ROAD AND 775 FEET EAST OF MEMORIAL DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider annexing Fire Station No. 4 containing 2.00 acres located south of Staton Road and 775 feet east of Memorial Drive.

Mr. Merrill Flood, Director of Community Development, stated that the property is located in Voting District 1. The existing and proposed use is a fire station with no population.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Spell to adopt the ordinance to annex Fire Station No. 4, containing 2.00 acres located south of Staton Road and 775 feet east of Memorial Drive. Motion carried unanimously. (Ordinance No. 06-92)

ORDINANCE (REQUESTED BY U.S. CELLULAR CORPORATION) TO AMEND THE OR (OFFICE-RESIDENTIAL) DISTRICT TABLE OF USES TO INCLUDE A NEW USE ENTITLED "TELEVISION AND/OR RADIO BROADCAST FACILITIES INCLUDING RECEIVING AND TRANSMISSION EQUIPMENT AND TOWERS NOT EXCEEDING 120 FEET IN HEIGHT OR CELLULAR TELEPHONE AND WIRELESS COMMUNICATION TOWERS NOT EXCEEDING 120 FEET IN HEIGHT" AS A PERMITTED USE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider an ordinance amending the OR district table of uses to include a new use entitled "television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height" as a permitted use.

Mr. Harry Hamilton, Chief Planner, stated that the proposed amendments will permit limited height transmission towers within the OR district subject to a 500-foot tower separation requirement and increased perimeter property line and residential zone setbacks. In staff's opinion, the request is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Stanley Sams stated that this amendment was requested in order to be able to serve areas that are difficult to serve under the present ordinance, which is quite limited. The Community Development Department has worked with US Cellular to craft the ordinance.

Upon being asked if this would mean there would be better reception on cell phones etc, Mr. Sams replied that it would help reach heavily used areas and provide better reception.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Council to adopt the ordinance (requested by U.S. Cellular Corporation) to amend the OR (Office-Residential) district table of uses to include a new use entitled "television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 120 feet in height or

cellular telephone and wireless communication towers not exceeding 120 feet in height" as a permitted use. Motion carried unanimously. (Ordinance No. 06-93)

ORDINANCE REQUIRING THE REPAIR OR DEMOLITION AND REMOVAL OF THE DWELLING LOCATED AT 1313 CHESTNUT STREET - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on September 4 and September 11, 2006 setting this time, date and place for a public hearing to consider an ordinance relation to the dilapidated structure at 1313 Chestnut Street.

Ms. Rhonda Jordan, Code Enforcement Coordinator, stated that the initial notice of violation was sent by certified mail on May 17, 2004 to the property owners, Reginald and Sandy Fields, informing them of the minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the dwelling into compliance. Since that date, there has been one certified mailing regarding minimum housing violations of the dwelling. Staff has attempted to work with the owners, but no repairs have been made. The most recent notice sent to the owners was sent on June 25, 2004, and provided notice that the dwelling was considered an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since August 1999. Taxes on the property are current. The value of the property as of July 21, 2006 is \$19,630. The building value is \$13,020 and the land value is \$6,010. The estimated cost to repair the dwelling is \$78,700. The Tax Office did not have additional information. The owners have a post office box, and regular mail has been sent. It was mailed over 10 days ago and has not been returned. Mrs. Jordan stated that she will make another attempt to notify them once a decision is made.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Spell to adopt the ordinance requiring the repair or demolition and removal of the dwelling located at 1313 Chestnut Street. Motion carried unanimously. (Ordinance No. 06-94)

REQUEST TO ADD DISCUSSION OF SOUTHWEST BYPASS TO SEPTEMBER 25, 2006 CITY COUNCIL AGENDA - APPROVED

Council Member Little stated that over the last several weeks, several phone calls and comments have been received regarding the Southwest Bypass. Because of that, he feels the Council needs to revisit the issue. Even though the Council made a recommendation for Option 5, he would like for it to be revisited in light of the fact that more details are continuing to come out.

Motion was made by Council Member Little and seconded by Council Member Dunn to add comments regarding the Southwest Bypass to the September 25 agenda. Motion carried unanimously.

## PUBLIC COMMENT PERIOD

Mr. Milton May of Winterville stated that he grew up on Forlines Road. He expressed opposition to Options 1B and 5 for the Southwest Bypass and support for Option 4. Corridors close to NC 11 have been rejected since this process was initiated in favor of corridors further west such as Corridor 4. Corridor 5 would require the relocation of Pocosin Road since there would be no overpass on that road, which will delay the response of the Fire Department and emergency personnel. There are 98 residential and business properties taken with Corridor 5, 69 in 1B and 44 in 4. He has farm properties located in Corridors 1B and 5 that have been in his family for five generations, more than 130 years. This has been designated by the State as a century farm. There is a house on the property that was built in the 1870s that three generations of his family have lived in that will be taken. This rivals anything in the historic district. There are 58 more acres of prime farmland that will be taken with Corridor 5 over Corridor 4. That is land that will forever be taken from the tax base of Pitt County. There are 53 residents in Corridor 5, 25 in Corridor 1B versus the ones in Corridor 4. He believes the solution of getting some of the traffic off of Memorial Drive is to select Corridor 4 to divert traffic from Greene County and beyond and also Frog Level Road where it competes with South Central High School and local traffic early in the morning, to work to get Frog Level Road repaired in good condition and Allen Road upgraded so that traffic from Winterville and the surrounding areas would want to use Memorial Drive, and to get turn lanes added on Evans Street extension so more people will want to use it over Memorial Drive. Mr. May concluded by stating that he wants what is best for the area that has the least adverse impact on the most people.

Ms. Andrea Crowley of 426 Brevard Road in Winterville stated that she purchased a new home about six weeks ago, planning to live there 20 to 30 years. If a corridor has to be chosen, she and her husband choose Corridor 4. It is important to look at all available information. When they got the environmental study, they noticed something about the relocations Mr. May brought up. The Council needs to analyze the people who are negatively impacted, which is in the hundreds. Irregardless of which corridor is chosen, people will be impacted. When she and her husband learned about this and she talked with her neighbors, there was only one other person that knew anything about it. They had the neighbors come into their home to talk about it. New information has come up since the Council adopted the resolution in June. It is not difficult to see this area is prime real estate. She asked the Council to take the time to look at the new information.

Ms. Samantha Barlow of 1504 Ashmoor Lane, Winterville, NC, speaking on behalf of the RISC-4 (Residents in Support of Corridor 4), stated that the streams to be considered are the Swift and Contentnea Creeks, which continue to flow into the Neuse River Basin. According to Water Quality Standards, the Clean Water Act, the streams are listed as impaired and degraded. They do not support the natural plants and animals that should be living there. It is the obligation of the local government agencies to improve the water quality so that the aquatic life may thrive and propagate. A major road such as the bypass will further degrade the environment by polluting the water directly with toxic runoff and excess nitrogen from vehicles; fragmenting the wetlands and riparian buffers, causing them to be ineffective at filtering the pollutants; choking the streams and creeks with sedimentation, which will raise the bottom of the stream bed leaving less room for accommodating stormwater runoff and killing the aquatic life; decreasing



infiltration of stormwater due to the impervious road surface, restricting the flow of water causing stormwater drainage issues and localized flooding; and fragmenting wildlife habitat by creating a barrier in continuous habitats. In response to the statement that the subdivisions are major polluters of the streams already, that may be true; however, the City Council has the choice to reroute the bypass to the best corridor. Development is inevitable and it can't be stopped. The bypass will traverse and bisect a very large area of this part of the Neuse River Basin. Not only will it affect healthy plant growth and restrict animal habitat, but it will reduce the water flow by 100% if culverts are not maintained. That will cause localized flooding because it will act like a dam and back up the water. Pollutants from cars will go directly to the streams as cars travel over them; the fragmented riparian buffers will not be there to filter it. Their effectiveness has been research proven. The grasses on the side of the highway don't work to filter out pollutants. The environment would be best with no bypass. However, if Council can't choose the best option, then a best corridor must be chosen as a compromise. According to the DOT Summary, Corridor 4 has only nine stream crossings; that's less than half in Corridors 1B and 5, which have 22 and 23 crossings respectively. Corridor 4, therefore, has the lesser impact. Ms. Barlow concluded by stating that RISC-4 is asking for Council's alignment in asking for Corridor 4 so that a consistent message is being sent to the Department of Transportation. The Council needs to send a message that it is informed and concerned for the health and safety of the local environment. She asked that the council reconsider its former endorsement of Corridor 5. She referred to a handout that contained further details.

Ms. Myriah Shewchuk of 150 Grand Court read a statement on behalf of Larry Baldwin, the riverkeeper for the lower Neuse River Basin for the Neuse River Foundation in New Bern, who could not be here or at the DOT meeting. He will be making his comments directly to the DOT. His comments are as follows.

"It has recently come to my attention that efforts are underway to construct a Greenville bypass for purposes of easing traffic congestion. While I understand the need for development and freeflowing traffic movement, I will not be in favor of negatively impacting sensitive environmental areas to do so. Unfortunately, I was not able to attend tonight's public hearing, but you and the DOT will hear from me by way of a written comment before the close of the comment period. It is my intention to work with the agencies involved. The laws are working to protect the environment from any negative impact. Thank you for accepting these comments and I look forward to working together to provide a solution that has the least amount of negative impact to the waters of the Neuse Watershed."

Mr. Kevin Harris of 645 Pocosin Road in Winterville stated that there have been a lot of conversations about the potential outcome of the decision on which corridor to choose for the Southwest Bypass. It is abundantly clear that, barring facts not in evidence, the best choice is Corridor 4. He understands that this will take it through the middle of the Renston Historic District, but would counter that by stating that there is as much historic farmland and buildings outside of this arbitrarily delineated parcel as there is within it. While this district contains the historic home places of the McLawhorns, Dails and Edwards, external to the district are the historic home places and farms of the Shivers, the Hooks', the Forlines, the Mays, the Harris', the Gaylords, the Forbes and the Langstons, many of which are century farms. While not all of these families produced litigators of Mr. McLawhorn's stature, to say that their history is of

lesser importance is to state publicly that only those with power and prestige have the right of recognition. Mr. Harris countered that each of the families contributed to the growth of Pitt County through the blood, sweat and tears they shed in an effort to grow the golden leaf during the reign of King Tobacco. There is a wealth of history in that corridor, and a line cannot be drawn around some of it and call its history anymore important than any others. There comes a time to measure the needs of the future against the need to remember the past. If it cannot be agreed that the entire area has a historical quality, they can move on to facts that cannot be disputed. It will cost more money, force the relocation of more people, and cause much more ecological and environmental damage to choose either Corridor 5 or 1B. Mr. Harris continued by stating that the statement has been made that the decision was not made based on consideration of the Historic District, but if that is the case, why was that fact even mentioned. In fact, that was the only mitigating factor mentioned in detail in the minutes from June 5, 2006 for two of the three choices. When EXT-4 was discussed, the primary and leading statement after the cost and length was the impact to the Renston Historical District. When the EXT 1B was mentioned, it was barely discussed, only to mention once again that it would impact the RRHD. There was a minor mention of impact to the environment, almost as an afterthought. Ironically enough, when it gets to the EXT-5 corridor, the first line states, "This is the easternmost alternative and voids the RRHD completely." It is obvious that was foremost in the minds of those who contributed to the minutes, maybe subconsciously but glaringly obvious, the intention not to cross the Historic District and perhaps the powerful families that reside in the area. There was some concern voiced about the people who would be displaced by this action. The primary concern was how it would be taken, upon which the City Attorney responded that the State would use the quick take method where the State takes the land from the citizen and I quote, "If the owner protests, the only issue is what the fair market value is." Once again, as an afterthought, the question was posed to Mr. Tysinger, "How many relocatees reside within the City?...to which he replied that about 75% live outside the City. There was no discussion in the minutes reflecting anyone's concern for the environment, the wealth of other historical features in the area, the additional social impact to those potentially affected, perhaps because they were not citizens of Greenville. It is incredibly insensitive to refuse to take the time to fully understand the impact on every level before making a resolution that will impact a body of citizens outside the Council's purview. He respectfully requested that the Council withdraw its resolution supporting Corridor 5 and move to support Corridor 4 in an effort to support what is the common sense choice. The Town of Winterville has made the bold decision to view the facts and take them as they are. He only hopes that the Council can make a similar statement. He asked the Council to speak for the citizens as a whole, even the ones the Council doesn't represent. Mr. Harris concluded by asking the Council to protect the citizens' rights and make the common sense choice.

Mr. Andy Anderson of 721 Gatewood Drive stated that he is also with the RISC-4. He has lived in his residence for seven years and has seen multiple corridors proposed, some going through his home and some going near his home. Currently, it is near his home. He has reviewed all the information and went to the DOT meeting. He wonders why any reasonable person would select Corridors 1B or 5. The only mitigating factor with Corridor 4 was it went through the historic district. It is now known that Corridors 1B and 5 will also impact historic homes and century farms. Corridor 4 creates 1/2 the number of relocations, 60% fewer stream crossings, impacts

92% less wetland acreage, takes 1/3 the amount of buffer acreage, seizes less prime farmland, and costs \$7.7 million less.

Mr. Ron Binkley of 1174 Forlines Road, speaking for friends, neighbors and community impacted by Corridor 1B and 5, stated that they all go on record as being against Corridors 1B and 5 and for Corridor 4. Much work has been done by many people at many levels, all having an important role. The latest data has put a new light on the subject. The latest data gives a reason and opportunity to revisit what has become a very important subject. They have all discussed and heard the pros and cons of each alternate, especially major stoppers. They have all heard that the number 1 stopper is the Renston Historic District. What about the four century farms in Corridors 1B and 5, one hundred year farms that are owned and were previously operated by the same family for generations? Everyone needs to take a detailed look at the points of most negative impact, especially to the people and to the environment. The greatest responsibilities are to the people and the environment. The quality of life of the people has changed irregardless of which corridor is chosen. Their property is taken or property value decreased. Their environment has changed physically, emotionally and otherwise. Their economics change. Mr. Binkley then addressed the latest data and environmental impact study. Environment will also be a stopper. Corridors 1B and 5 negatively impact the environment now and for future generations--the streams, wetlands, floodplains, hazardous waste sites, etc. Renston may be a stopper, but the environment will also be a stopper. Alternates 1B and 5 will displace the most people and will negatively impact individual economics and property values. It will do a poor job of handling traffic by not picking it up outside the community soon enough by causing congestion at key intersections, mainly Forlines Road, with two schools already and one planned. Alternates 1B and 5 will cost taxpayers the most and will consume the most in the farmland, and this is still a farming community. He concluded by asking that the City Council revisit the entire issue, evaluate the latest data and support Corridor 4.

Mr. John Dill of 2008 East Third Street appeared before the Council to address the issue of the archery ordinance. Archery is a recreational sport as is golf, bowling, or any other sport. It is recognized at state, national and local levels. It is a recreational sport that is practiced by all age groups. It is not just shooting arrows. It includes the target archers, hunters, afterschool groups, boy scouts, girl scouts, senior citizen activities, college classes, underprivileged children, and medical institutions. A City ordinance that ends target practice would end backyard target practice for some people. Greenville has only one archery course, and that is used by people 55 and older, which covers a small group of people. On the issue of archery being a dangerous weapon, in the wrong hands a steak knife is a dangerous weapon. In 1999, a national survey conducted by the Archery Trade Association showed six million bow and target archers nationwide with only four safety incidents occurring. Mr. Dill asked why, with a good safety history, the Council would consider taking a sport loved by so many and restrict it so that its participation in the City is questionable or impossible. He suggested that, as safety incidents occur, to hold the individual accountable instead of creating an ordinance that would eliminate an otherwise safe sport. Addressing the issue of archery within confined neighborhoods, archery is a safe and quiet sport. With safe backstops, there is no reason why archery should be restricted in Greenville. He asked that the example be set in Greenville and that people be allowed to enjoy the last few shooting sports that he and many others cherish.

Mr. Stuart Forlines of 2925 Jolly Road in Winterville, speaking on behalf of the people against Corridor 5, stated that it had been felt that one could get into traffic quicker with Corridor 5; however, he doesn't think that is a true statement. The growth in Winterville is on the east side of NC 11, which is three miles from Tar Road before you can get on the bypass. Greenville is only five miles from Winterville, so he can't see a person driving three miles to get to the bypass and still having to go to the job site. The two places designated to get on in Winterville are 903 and Forlines Road. On Forlines Road, there are already two schools plus several four-way stop signs. It will be difficult to get onto the corridor in 7:00 a.m. traffic with school traffic and other things happening at that time of the day. At the McLawhorn Road, both corridors are the same. They all come together and go through the back side of Ayden. After getting on 102, it is a four-lane highway, which enables people to get on much quicker. Also, 13 and 264 Alternate will be a four-lane. When coming out of Winterville on Forlines Road, according to DOT, it will only be a two-lane road before getting on the corridor. That is a negative impact. The people that will use this road will live in Ayden, Grifton, Hugo, Maury and Kinston. The corridor that would enable them to get on it quicker would be 4. It would be closer to them and easier to access. If they are trying to eliminate traffic on 11, a lot of the people in Winterville and people that live on the east side will not change; they will continue to use Tar Road. According to the studies that DOT has done, traffic and safety will be the same.

Mr. Rocky Russell of 3902 Bach Circle, a developer and builder, stated that his partner and he own 40 acres on Frog Level Road, east of Corridor 5 and 1B. This land is platted and streets are in for 92 single-family homes, each averaging around \$300,000, increasing Pitt County's tax base by \$28 million. There were plans to acquire more property to the west; however, they are on hold because of plans for Corridors 5 and 1B. Because of the path that Corridors 5 and 1B have taken, he hopes that they will not lose any more of the currently platted section, but he is convinced that if those corridors are chosen, it will hurt the sales of the homes due to the stigma that will be placed on the subdivision since they are so close to these corridors. He doesn't think the black cloud will be lifted until the road is finally built and people can actually see where it is going to be. Other neighborhoods will not be as fortunate since the bypass and interchanges will remove subdivisions off the map or chop off sections or entrances. Most importantly, over 100 homes will be lost if DOT chooses Corridor 5. Corridor 4 goes through some of Pitt County's less developed areas, destroying fewer neighborhoods. Due to a major sewer extension by Greenville Utilities several years ago, development in the Frog Level area has exploded. Corridors 5 and 1B's location is almost parallel to Greenville Utilities' westernmost sewer extension. Although there is some land left between Frog Level Road and Highway 11, most developers are making plans to extend development west of Frog Level Road. If Corridor 5 or 1B is chosen, this action would cause development to stop west of Frog Level Road until Greenville Utilities has determined how to go through this proposed corridor. Development would eventually continue; however, he estimates it will be years before Greenville Utilities has the funds to start sewer extensions to go under these corridors. Regardless of where the bypass goes, development will be on both sides of it eventually. Corridor 4 gives Greenville Utilities and the development community time to use land that already has sewer service. He feels that part of Greenville Utilities' strategy was to have developers help pay for sewer extensions into western Pitt County as the western areas are developed. Corridors 5 and 1B put up a wall that developers will not financially be able to afford to cross and must wait for Greenville Utilities to

obtain the funds and permission to do so. Mr. Russell concluded by stating that Corridor 4 makes the most sense for Pitt County; it has the fewest number of North Carolina and Pitt County citizens losing their homes. Choosing 5 or 1B would also cause many more homes to be left standing around cloverleafs and chopped up subdivisions, which would greatly diminish their value. He asked the Council to please reconsider the previous decision to support Corridor 4.

Mr. Albi McLawhorn of 2104 Crooked Creek Road, speaking in support of Corridor 5, stated that Corridor 5 was the last of the corridors suggested by DOT. It was created to minimize relocations. Roughly two years ago, when it was added, it had the fewest number of relocations. Of the 90 homes that would need to be relocated under Corridor 5, roughly 60 have been built since Corridor 5 was proposed. Mr. McLawhorn asked those who unknowingly purchased one of those homes why they are angry with their neighbors in Renston rather than at the builders and developers who failed to inform them of the possibility of a bypass. For those who did know and purchased anyway, they were gambling with taxpayers dollars. As a taxpaying citizen, he is disappointed. The bypass was funded to alleviate the current traffic problems. Corridor 5 is closest to the existing towns and population centers. As such, it would provide the best alleviation of the County's current traffic situation; Corridor 5 has the potential to eliminate a dangerous intersection at the intersection of Red Forbes Pocosin and 903. This intersection worked well when the roads were less travelled; however, it currently it presents an increasing life safety hazard. Corridor 5 avoids the Renston neighborhood. Many of those who oppose Corridor 5 claim Corridor 4 is just farmland, but in reality it is a 200 year old neighborhood, one of very few in the county which still resembles its origins. These farmers could have divided their farms up for new development, but instead recognized the value of preserving a piece of heritage. One only has to look at the joy on childrens' faces as they pick their own strawberries on 903 to see that places like this are a benefit to everyone in the county. Builders and realtors who have sold homes without disclosing the bypass plans are doing so unethically, and he does not support such development practices. In most cities with a bypass, the bypass eventually encircles the entire city. Creating as tight a loop as possible, a bypass serves not only as a bypass but also as a fast access point to population centers within the city. As they look at the bypass and its future, if it comes to pass that it is a full loop around the city, eventually it will have to be tied back in. The traffic problems are currently worse on the side where the bypass is not being built. If the loop is connected from 264 where it heads towards Washington and down where it will intersection 11 at Ayden, there will be a bypass that encircles more than twice the area that Raleigh's bypass encircles, which is a little out of proportion. He does not dispute the stream impacts; however, he does feel that numbers can be suited to any agenda. He is all for environmental policies. Corridor 5, if planned properly, could serve to protect existing wildlife corridors along Swift Creek and become a tremendous environmental and recreational asset to the county in the future.

Mr. Mitch Mitchum, addressing the archery ordinance, stated that he does not feel there has been sufficient evidence to warrant an ordinance. He would like for there to be more public input and for the Council to delay a vote on the ordinance to receive further input.

## PRESENTATION ON PRELIMINARY CAPITAL FUNDING OPTIONS

Ms. Bernita Demery, Director of Financial Services, introduced Mr. Ted Cole and Mr. Robert High of Davenport and company, who have served as the City's financial advisors for debt issuances since 2004. She reviewed the goals and objectives, which are to develop a comprehensive plan of finance for all identified capital projects, develop a multi-year plan of finance that protects the City's future bonding capacity, develop a financing approach that positions the City to maintain positive relationships, maintain strong debt and fund balance ratios, and minimize any future property tax rate increase associated with financing the City's capital needs. The total existing annual debt service obligation is \$37,395,462 in General Fund supported obligations. They are \$6,805,000 in General Obligation Bonds, \$25,105,000 in Certificates of Participation (City Hall and some installment purchase contracts), and \$5,485,462 in Installment Purchase Contracts. The cumulative decline of that debt service is \$4.3 million at the end of 2024, which will be 18 years. The fiscal policy talks about a payout ratio so that 10 years from now, the City would pay 60% of the debt. Currently, the City is paying 75% of the debt service over the next 10 years. The target is 60%. The debt per capita is \$489 per citizen, which is average for North Carolina cities with populations of 50,000 to 100,000. The high is Chapel Hill, which is at \$1,434, and the low is Jacksonville. In debt to assessed value, the City is at .84%, which is an outstanding ratio for the City. Debt to expenditures is at 8.76%, meaning Greenville is in the middle of graded investments by Moodys and Standard and Poors. In the summary of capital improvements, the City has matched all the projects it has for the next five years to a source of funds. When looking at future financings, there is \$10.2 million that the City may possibly finance in the future. There are several factors that will determine the size of that future financing, which may be another COPS issue. That will be the operating costs they talked about briefly--future fire stations, the Police-Fire/Rescue Headquarters expansion, and Phase II of H. Boyd Lee Park. The capital improvement, when looking at cash versus debt declines by \$3.4 million in cumulative debt service and continues to decline. Thirty-nine percent of the City's capital improvements are funded by debt, with grants and other governmental contributions being 39.01%. The city's cash and reserves provide 25.43%. The City is diverse in funding its capital improvement program, which is a good statistic for the City.

Mr. Cole stated that the work they have been doing with the City will go into working with the rating agencies. The City is starting with a real position of strength, which positions the City to take on new debt, whether it is General Obligation bonds that will be funded this fall or in a year or two or a future financing relating to \$10.2 million as an identified need. The City has a Capital Reserve fund in place of about \$7.7 million. In the past budget process, where the City adopted a two-year budget, there were some planned uses of some of that Capital Reserve money of roughly \$2.6 million in 2007 and \$3.6 million in 2008, and that has been figured into their analysis. The other assumption they made is beginning in the 2007 fiscal year, approximately \$1 million per year will be added to the reserve fund. They have looked at how the monies in the Capital Reserve fund will be used in 2009 and beyond. Whether it be existing debt the City has related to stormwater or debt in the planned GO bond, the City is getting ready to do that is related to stormwater, they are treating that debt as self supporting debt, being paid for with Stormwater Utility revenues. They are trying to get down to what is supported with General Fund tax supported debt and where they have identified sources of revenue away from tax revenue that is available for debt, they have calculated that in. One of the

things they try to benchmark in affordability of debt is the tax rate. For purposes of analysis, each of the pennies in the tax rate generates about \$380,733 and they assume that the value of the penny will grow by about four percent per year. Based on a five-year history, a four percent growth is conservative. They will look at two cases--In case one they will measure the impact of funding the approved but unissued General Obligation bonds of approximately \$20.8 million, the first being \$12.7 million this fall and the balance of approximately \$8 million in the 2009 fiscal year. They are looking at having it approved, putting the debt in place and issuing it in 2007 and 2009 and what the impact is of doing so. They are looking at a 20-year debt and are looking at doing some structuring of that debt. They are trying to, with this new debt, layer it in around that debt trying to minimize the upfront cashflow or potential tax impact of that debt. It maintains a strong pay-out ratio of the debt, not overextending debt but also helping make it affordable.

Mr. Cole continued by stating that the second case they looked at was building on case one. They took \$20.8 million, kept it and added \$10.2 million of future financings in the CIP. It is yet to be determined what the method will be, whether it is a bank financing, certificate of participation, etc. It was assumed that it would be issued in three pieces to coincide with where the need arises in the CIP--for FY 2009 (\$4.3 million), FY 2010 (\$3.5 million), and FY 2010 (\$2.3 million), which has been done over 15 years, which is a conservative payback. It will provide an opportunity for bank financing and securing a fixed rate of interest. They have used six percent as the interest rate, which is well above the market rate. Some basic assumptions for these cases are the City will carry the amount as base debt service amount, and they exclude lease purchase, stormwater and Powell Bill. They assume that the City maintains a level of funding beyond FY 2007 and 2009. The reality is that if the City didn't issue any new debt, the level of tax supported debt would step down. Since it is issuing new debt, they flatlined it at \$3.1 million. In looking at other revenues, where there is new stormwater debt, they have identified stormwater revenues to pay that debt. Anything relating to streets or that are Powell Bill eligible debt, the Powell Bill can provide funding for that. There is a Capital Reserve Fund where the City is adding \$1 million per year in FY 2007 and beyond. Mr. Cole gave a recap of the information he had provided to Council.

Mr. Cole concluded by stating that this plan was put together hand in hand with the policy the Council considered a month or so ago, in particular leading up to the interaction they will be having with the rating agencies the end of September. One of the agencies is coming to Greenville to visit and the other will be handled by conference call. In this plan, the policies will play an integral role in that interaction. They will be pleased with the steps the City has taken with the policy and the planning that has gone on at the staff level. He provided the next steps, which included continuing to evaluate further needs, further refining capital costs and related operating costs, revising key assumptions and amend analysis as needed (i.e., timing, amounts, etc.), and issuing debt and incorporating financing plans into the biennial budget process.

Mr. High interjected that even as the City is issuing the new debt, the structure will give it debt capacity in the future that the City will be able to layer in without having a significant tax impact.

Questions were then asked by the Council Members and answers provided by Mr. High and Mr. Cole.

RESCIND PREVIOUS REQUEST TO THE PITT COUNTY BOARD OF COMMISSIONERS FOR AN EXTENSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) IN THE NC 11 NORTH CORRIDOR - APPROVED

Mayor Parrott reminded the Council that this item was discussed at the September 11 meeting.

Motion was made by Council Member Craft and seconded by Council Member Spell to rescind the initial request to the Pitt County Board of Commissioners for an extraterritorial jurisdiction extension in the NC 11 North corridor and to approve the commencement of discussions between the parties to the original agreements relating to entering into a new agreement, to supersede certain provisions of the original agreement: (i) to remove any extraterritorial jurisdiction extension request, requirement or responsibility; (ii) to continue to vest sewer connection authority with City Council in the NC 11 North corridor, extending from the City's current extraterritorial jurisdiction to Bethel's extraterritorial jurisdiction, in accordance with standard policy; and (iii) to reassess the annual payments as previously specified in the original agreement. Motion carried unanimously. (Contract No. 978)

MEMORANDUM OF UNDERSTANDING REGARDING APPROVAL OF DEVELOPMENT PROPOSALS REQUIRING SANITARY SEWER BETWEEN THE CITY OF GREENVILLE, TOWN OF WINTERVILLE, AND PITT COUNTY - APPROVED

Mr. Merrill Flood, Director of Community Development, stated that there has been a committee of the City of Greenville, Town of Winterville, and Greenville Utilities that has been meeting for about a year and a half to discuss growth issues affecting both jurisdictions and how that relates to utility provisions for the same. One of the things the Committee has discussed on numerous occasions that is of particular concern to Greenville and Winterville is the ability of the County, now that it has zoning, to approve development proposals under County standards that would normally be expected to be in an urban pattern requiring sanitary sewer and vesting the projects, meaning they would be approved under the County standards and would have a two-year or greater period to build that development proposal. They could ask for a voluntary annexation and the City would have to accept that plan. This item before the Council brings forward the opportunity to work with the County in a memorandum of understanding requiring that when those proposals are submitted to the County and they are developed at a density that would require the provision of sanitary sewer that, unless the County has written authorization from the City of Greenville or Winterville, the County would not review those plans and rely on the municipality providing the service to review and approve those plans so they will meet the urban review standards since they will be voluntarily annexed into the City. This has received recommendation of approval by the committee. The County Planning Board has recommended approval. Winterville will consider this at a future meeting of the Board of Aldermen.

Motion was made by Council Member Little and seconded by Council Member Spell to approve the memorandum of understanding regarding approval of development proposals



requiring sanitary sewer between the City of Greenville, Town of Winterville, and Pitt County. Motion carried unanimously. (Contract No. 1531)

RESOLUTION AUTHORIZING THE CITY OF GREENVILLE'S APPLICATION TO BE DESIGNATED AS A PRESERVE AMERICA COMMUNITY - ADOPTED

Mr. Merrill Flood, Director of Community Development, reminded the Council that in June it passed a resolution confirming its commitment to the preservation of its historic heritage assets. This item has received the recommendation and approval of the Historic Preservation Commission, and if the City is designated, this could result in the City being eligible to apply for grants, etc. for historic heritage preservation.

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to adopt the resolution authorizing the City of Greenville's application to be designated as a Preserve America Community. Motion carried unanimously.

RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT RELATING TO THE ARMY RESERVE CENTER ON MEMORIAL DRIVE - ADOPTED

City Attorney Dave Holec stated that in 1957, the City and Pitt County leased to the United States of America a 3.21 acre tract which was part of a larger tract of property. The larger tract of property is the property on which the airport is located. It was a year-to-year lease in 1957, with the potential to go to a 99-year period. It was to be utilized for training purposes and other military purposes. The federal government built and operated the Army Reserve Center on this property. They have built a new Army Reserve Center in Winterville and determined that they no longer desire to use this property. The federal government has prepared a supplemental agreement that results in the lease being terminated and the property being turned back to the City and County. Even though the City and County are receiving the property, because of the local act, the Airport Authority actually operates and makes decisions regarding the airport property. All the airport property is deeded in the name of the City and the County, but the airport property makes the decisions on the operation and use of that property. In addition, the property is subject to FAA regulations, meaning that if it is leased or sold, it must be done for fair market value and be designated for airport purposes. The County has an interest in the property, and they would deal with the Airport Authority to potentially lease it and there would be lease amounts paid to the airport. This resolution is to approve the supplemental agreement, which will result in the property being deeded back to the City and County, and the potential use to be determined at a later date.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Council to adopt a resolution approving a supplemental agreement relating to the Army Reserve Center on Memorial Drive. Motion carried unanimously. (Resolution No. 06-44)

ORDINANCE EXTENDING THE TERM OF THE CABLE TELEVISION FRANCHISE - ADOPTED

City Attorney Holec stated that this is second reading of the ordinance. It was discussed on September 11 and the Council approved it. The current franchise expires on September 23, 2006. The ordinance being considered on second reading extends the franchise under the current terms and conditions until December 31, 2006, after which the State franchising authority will take place.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance extending the terms of the cable franchise. Motion carried unanimously. (Ordinance No. 06-95)

ORDINANCE AMENDING THE MANUAL OF FEES TO ESTABLISH A SEPARATE FEE FOR AN APPEAL OF PARKING ON AN UNIMPROVED SURFACE CITATION - ADOPTED

City Attorney Holec stated that when a person receives a citation for parking on an unimproved surface, such as grass or dirt in a front yard of a residence, the citation is being issued for a violation of the Zoning Ordinance. By State law, a formal appeal of a decision that a person is in violation of the Zoning Ordinance is an administrative appeal to the Board of Adjustment. The Manual of Fees establishes a \$500 fee for filing an appeal. This fee is designed to cover the City's expense relating to the appeal, including publication of notice of the hearing, and this fee is refunded if the appeal is successful. Because of the amount of the appeal fee in relation to the penalty amount of the citation, City Council requested that an ordinance be prepared which would establish the appeal fee for this citation at a lesser amount. The ordinance accomplishes this result by establishing a \$50 appeal fee. In addition to a formal appeal, there is an informal appeal process for persons who receive a citation in which the person may have the issuance of a citation reviewed. If the City has an influx of requests for appeals, staff may bring this back to Council to reassess the fee.

Motion was made by Council Member Craft and seconded by Council Member Spell to adopt the ordinance amending the appeal fee for a citation for parking on an unimproved surface. Motion carried unanimously. (Ordinance No. 06-96)

BUDGET ORDINANCE AMENDMENT #2 TO THE 2006-2007 CITY OF GREENVILLE BUDGET AND CAPITAL PROJECT BUDGET ORDINANCES FOR THE THOMAS LANGSTON ROAD EXTENSION AND THE AQUATICS AND FITNESS CENTER RENOVATION PROJECTS - ADOPTED

City Manager Bowers stated that this is primarily to allocate grant and donation funding to the General Fund and to project accounts that the City has already approved funding for.

Motion was made by Council Member Little and seconded by Council Member Dunn to adopt budget ordinance amendment #2 to the 2006-2007 City of Greenville budget and capital project

budget ordinances for the Thomas Langston Road Extension and the Aquatics and Fitness Center Renovation Projects. Motion carried unanimously. (Ordinance Nos. 06-97, 06-98 and 06-99)

MEMORANDUM OF UNDERSTANDING WITH EAST CAROLINA UNIVERSITY FOR PROVISION OF SERVICES, LEASE OF BUILDING AND SITE MANAGEMENT AT THE WEST GREENVILLE COMMUNITY INTERGENERATIONAL CENTER - APPROVED

City Manager Bowers reminded the Council that the City has been working for about a year with the East Carolina University College of Human Ecology and other departments at ECU to consider opening an intergenerational center for West Greenville. The opportunity presented itself several months ago for the former St. Gabriels Church property to be acquired and used for such a center. The memorandum of understanding lists specifically the services to be provided by ECU and there is a range of several different services. Also, there is a letter from the community college indicating that they have an intent to join in providing services for the proposed center. Pitt Community College participation will require some further approval by the College Board of Trustees and the County Commission. Staff has talked to other groups and hope that once the center is put together, they will be able to provide a wider ranges of services. ECU will lease the first floor of the convent building. The other buildings would be used by other service providers. Staff recommends approval of the memorandum of understanding.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Council to approve the memorandum of understanding with East Carolina University for the provision of services, lease of building and site management at the West Greenville Community Intergenerational Center. Motion carried unanimously. (Contract No. 1533)

PURCHASE OF FORMER ST. GABRIELS CATHOLIC CHURCH PROPERTY - APPROVED

City Manager Bowers stated that the purchase price of the entire former St. Gabriels Catholic Church Property (2.83 acres with several buildings) is \$600,000, with \$400,000 to come from the bond issue and the other \$200,000 would come from a donation by a private foundation, which asked that it not receive a lot of publicity. Under North Carolina law, they cannot remain completely anonymous. The donation will be provided by Anverse, Inc., a Georgia Corporation. The key points of the agreement relating to the donation by Anverse, Inc. are that the property shall be used by not-for-profit organizations, including, but not restricted to, East Carolina University, Pitt Community College, the Boys and Girls Club, and the City of Greenville. If for any reason the property is sold, the Foundation's interest in said property in the amount of \$200,000 would be returned with the exception of if the property is sold to a non-profit organization that is a 501(c)(3).

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Council to purchase the property and accept the donation from Anverse, Inc. Motion carried unanimously.

ORDINANCE REGULATING DISCHARGE FROM BOWS AND ARROWS IN THE CITY -  
CONTINUED

City Attorney Holec stated that this came from the Monday night meeting when Council had a request that information be provided relating to an ordinance that would regulate the discharge of bows and arrows in the City. There currently is an ordinance regulating the discharge of firearms; however, there is not one in place that regulates bows and arrows. That is an ordinance that is within the authority of the City to adopt. There are other cities that have adopted such an ordinance---Cary, Charlotte, High Point and Raleigh. There is a range as to what type of regulations they have in place. When establishing a prohibition, consideration should be given for exceptions, such as an archery range or bows and arrows that are toys. It needs to be considered whether or not there should be an additional exception when discharged in a controlled situation by responsible persons, and that is an area where consideration should be given as to what is appropriate. The first draft is an ordinance that establishes a prohibition that allows for archery ranges and toys. The second addresses a controlled situation with the target a certain size, placement of target, and what types of tips are used in arrows. No public hearing is required for adoption of the ordinance.

Council Member Spell stated that when he asked Council to consider this, he didn't think a decision would be made tonight. He originally asked for this because of safety. Anything the Council does needs to be based on science and fact. It needs to make sure it doesn't ban any kind of safe practice. The best bet is to sit down with people with expertise about what is safe. It was suggested that staff review this and have a public hearing later on.

Mayor Pro-Tem Council and Council Member Little suggested involving people such as the Boy Scouts and the gentlemen that were here tonight. This is a sport, and the City shouldn't have government in everything.

Council Member Dunn expressed that safety needs to be an issue.

City Attorney Holec stated that staff will engage persons with a particular interest in it.

Council Member Spell asked that it doesn't unduly burden a safe sport.

Council Members asked questions of Mitch Mitchum and Jon Dill, who had spoken on this issue during the public comment period. Both gentlemen indicated that they practiced in their backyards, but used caution when doing so. They both indicated that they shoot responsibly. They stated that this is a great sport and asked that the Council not take away the opportunity for people to be able to enjoy it in their backyard when there is evidence showing that the accidents are very rare. It boils down to being responsible and having safe backstop.

Council Member Glover asked if it would benefit them if the City put them in a safe environment where the scouts and others can practice.

Mr. Dill stated that he would like to see an archery range because it would promote archery and

would signify that City has adopted it as a sport. He doesn't want to see people lose the opportunity to shoot in their own yard.

Council Member Spell stated that the person who prompted this was shooting up against a cardboard box leaning against a fence.

Mr. Dill reiterated that he doesn't want to see that one instance stop others from having the opportunity. He didn't see why major changes needed to be made.

Mr. Mitchum stated that an ordinance would not have stopped that particular individual from misuse. More than likely if he was shooting in a place that was unsafe, he was uninformed. There are laws involved that address harming someone physically or their property, and that is how it should be handled.

Council Member Craft stated that the City has to feel like citizens can handle them in a responsible way.

Mayor Parrott informed Mr. Dill and Mr. Mitchum that the City will involve them in the decision making.

#### COMMENTS FROM MAYOR AND CITY COUNCIL

Mayor Pro-Tem Council announced that September is National Sickle Cell Month. She stated the newborn screening is now being done, and they would like to continue the education. Mayor Parrott has proclaimed September as Sickle Cell Month in Greenville, and she will be using the proclamation this weekend at the National Black Social Workers Conference in Durham.

Council Member Glover stated that she is in favor of a free and democratic process. The elected officials have worked together to bring about the acquisition of the St. Gabriels School from the Catholic Diocese, and that was an important decision on behalf of the entire elected body. This property will be a great benefit and blessing as the City Council partners with East Carolina University and other educational institutions. The entire community will benefit from the decision. All Council Members were allowed to express their opinions without censorship during the process. The Council has demonstrated that by treating each Council Member as a valued partner, they can reach a decision that will benefit all of Greenville. Council Member Glover further stated that she wishes that she could say that all decisions were as fairly carried out. In August, the City Council passed the buck to name a street after Dr. Martin Luther King to the County and Department of Transportation. It was a premeditated decision to place this item on the agenda. Neither Mayor Pro-Tem Council nor Council Member Glover were aware that this item would be decided upon at the August meeting; however, the other Council Members were. She and Mayor Pro-Tem Council voted against naming a street after Dr. Martin Luther King, as they had been left out of discussions that this would be brought to a vote at the August meeting. She has served on the Martin Luther King Street Renaming Committee and the report was presented to the City Council the Wednesday prior to the August 10 City Council meeting. When she arrived at the August 10 meeting, she was surprised to learn that a decision would be made that evening. The media has chastised her and the black community because

they spoke out on the matter. Neither she nor Mayor Pro-Tem Council created the controversy. Non-elected people have brought the black-white issue to the forefront. She apologized to the MLK Street Renaming Committee that worked long and hard to hold three forums that were informing but not controversial. They held several ad hoc meetings. Everyone in attendance was encouraged and allowed to speak without fear of being accused of bias. The Committee worked well, but the follow through by the City Council was both shameful and embarrassing. Both she and Mayor Pro-Tem Council were elected to represent the people in Districts 1 and 2 to serve their interests. She and Mayor Pro-Tem Council were not privy to discussions that took place prior to the August City Council meeting. Business as usual is beginning to happen in Greenville. The same divide and conquer is happening in our seemingly progressive city. Since the August Council meeting, she has had discussions with two Council Members about the August meeting and the decision that has caused another gaping wound in the black community and the City. Her question to them was, where do they go from here. It appears that the elected officials are again divided. She will listen to her constituents and will serve them because they have elected her to do so. If her serving her community offends some people, so be it. She supports truth, fairness, and truth in government. Back room government is not her style. She will continue to speak for those who have little or no voice in government. She does not apologize for her decision or for exercising her constitutional right for stating how she feels. The West Greenville Redevelopment is progressing and she sees the decision to acquire St. Gabriels as a boost for the west side. She hopes that she and Mayor Pro-Tem Council will be involved in any planning regarding issues that affect the black community. She is proud to serve all of Greenville, although she has been elected to represent District 2. She had informed Council Member Craft that she was at a point where she didn't care which street was named, but she was speaking about the three that were presented to City Council. She would love for them to have an opportunity to become an all-inclusive city. Everyone should be included in decisions made.

Council Member Craft stated that Council Member Glover's statements did not represent the facts that led up to the vote. He has a problem with her calling Council Members bigots and her friends calling them illiterate. If anyone is causing division in the City it is the way she grandstands. She ignores the facts. She ignored the process. The committee met three times, and she was marching on Fifth Street during the process. She didn't wait for the process. Those things need to be addressed before the Council can move forward.

Council Member Glover expressed that it is her constitutional right to voice her opinion, and she has a right to represent her people. She did not take a stand on what street she is in favor of until after the ad hoc committee was dissolved. She is not going to apologize for what she has said, and she will never apologize as long as she is exercising her authority that was given to her by the people who elected her to office. This has caused dissention between Council and the staff it works directly with. People elect Council Members because they feel the people can express the way they feel. That is why she and Mayor Pro-Tem Council are here. When they are denied that right, that is wrong.

Council Member Craft expressed that no rights had been denied.

## CITY MANAGER'S REPORT

### Joint meeting with Greenville Utilities Commission - September 25, 2006 at 5:30 p.m. in Room 337 of City Hall - Scheduled

City Manager Bowers stated that the Joint Benefits Committee met today and has a recommendation for the City Council and Greenville Utilities Commission Board regarding health insurance. He recommended that there be a joint meeting on September 14, 2006, at 5:30 p.m. in Room 337 of City Hall.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to have a joint City Council/Greenville Utilities Commission meeting on September 24, 2006, at 5:30 p.m. in Room 337 of City Hall. Motion carried unanimously.

### Joint meeting with Washington City Council - October 23, 2006 at 6:00 p.m. at Bradford Creek Golf Course - Scheduled

City Manager Bowers reminded the City Council that there will be a joint meeting with the Washington City Council at Bradford Creek Golf Course on October 23, 2006 at 6:00 p.m. Dinner will be served. The Planning staffs are working on presentations regarding growth and development plans for each side. Transportation issues will also be presented.

Motion was made by Council Member Little and seconded by Council Member Spell to have the meeting at Bradford Creek. Motion carried unanimously.

### Procedure for use of Council Chambers - To Be Discussed September 25

City Manager Bowers stated that he has been contacted by the League of Women Voters regarding the candidates forum to be held, hoping that it could be televised. It has been a few years since they did that, and it has been permitted in the past. Since moving into the new building, staff has administratively established a procedure for rooms other than the Council Chambers, limiting it so that outside agencies cannot use them unless it is for a city-related event. Staff would like for Council to establish a policy for use of the Council Chambers. He will put something regarding this on the September 25 agenda.

### Keep America Beautiful Workshop

City Manager Bowers reported that the Keep America Beautiful program is working through the process and will hold a workshop from 10:00 until 2:00 tomorrow. He invited the Council to the meeting in the Public Works Conference Room.

## ADJOURNMENT

Motion was made by Council Member Spell and seconded by Council Member Little to adjourn the meeting at 9:45 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC  
City Clerk